

REMARKS

Claims 11, 19, 55, and newly added claims 62-68 will be pending in this application with the entry of this amendment. Claims 1-3, 5-7, 10, 12, 13, 15, 17, 18, 48-54 and 56-61 are canceled without prejudice or disclaimer in this amendment. Applicants thank the Examiner for indicating that the subject matter of claims 11 and 19 would be allowable if re-written in independent format. Claims 11 and 19 have been re-written in independent format to incorporate all the limitations of all claims on which they depend, as suggested by the Examiner, and thus are in condition for allowance. New claims 62-63 depend (directly or indirectly) from claim 11, and new claims 64-65 depend (directly or indirectly) from claim 19. Claim 55 is maintained here, and new claims 66-68 depend (directly or indirectly) from claim 55.

As twenty-five claims have been canceled in this amendment, and only ten claims added, and there will be only three independent claims in the application upon entry of this amendment, no fee is believed to be due as a result of this amendment. However, as a petition for extension of time and a Notice of Appeal accompany this amendment, authorization to charge the fees associated with the petition and Notice of Appeal also accompanies this amendment.

The amendments to claim 11 incorporates and is thus supported by the limitations of claim 10. The amendments to claim 19 incorporates and is thus supported by the limitations of claims 10 and 18. The amendments to claim 55 incorporate and are supported by the limitations of claim 54, which in turn was supported by, *inter alia*, original claims 10 and 11 and in the specification at page 86, lines 13-18. New claims 62, 64 and 66 are supported by, *inter alia*, original claims 2 and 15. New claims 63, 65, and 67 are supported by, *inter alia*, original claims 3 and 8. New claim 68 is supported by, *inter alia*, original claims 18 and 19.

No new matter is added by these amendments.

Information Disclosure Statement

Applicants thank the Examiner for consideration of US 2002/0022248 and the return of the initialed Form PTO-1449.

Rejections/Objections

The specification was objected to due to the blank lines concerning ATCC information on pages 39-40. These passages have been deleted from the application in the amendments to the specification above. Thus, this objection is rendered moot.

In the response filed June 10, 2002 and accorded a filing date of June 12, 002 (Paper No. 15), the paragraph at the bottom of page 9 bridging to page 10 regarding the ATCC deposits is also rendered moot by these amendments.

The Examiner indicated that claims 11 and 19 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Claims 11 and 19 are amended above accordingly. Claim 11 has been amended to incorporate the limitations of its base claim (claim 10). New claims 62 and 63 depend (directly or indirectly) from claim 11. Claim 19 has been amended to incorporate the limitations of its base claim (claim 10) and its intervening claim (claim 18). New claims 64 and 65 depend (directly or indirectly) from claim 19.

Claim 55, which was rejected only under 35 U.S.C. § 112, is re-written to incorporate all the limitations of claim 54, from which it previously depended. New claims 66-68 depend (directly or indirectly) from claim 55.

Rejection under 35 U.S.C. § 102(e)

Claims 1-3, 5, 7, 10, 12-13, 15, 17-18, 48-51, 53-54, and 56-60 were rejected over Wong under 35 U.S.C. § 102(e).

All of these claims are cancelled in this response, and thus the rejection is moot. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

New Rejection

Rejection under 35 U.S.C. § 112, first paragraph

Claim 55 was rejected under 35 U.S.C. § 112, first paragraph due to the lack of a statement indicating that the deposit of cDNA clone 20P1F12-GTC1 with the ATCC on February 12, 1999 and accorded deposit number 207097 complied with the requirements of 37 C.F.R. § 1.801-1.809. (Claims 48-54 and 56-61 are now canceled, and hence that rejection is moot with respect to those claims.)

A declaration to the effect that the deposit made on February 12, 1999 and accorded ATCC deposit number 207097 was made in accordance with 37 C.F.R. § 1.801-1.809 was filed with the response of August 6, 2003. In the Advisory Action of September 29, 2003, the Examiner stated that the declaration was not sufficient because it did not state that 1) all restrictions upon public access to the deposits will be irrevocably removed upon the grant of a patent on the application, and 2) that the deposit will be replaced if viable samples cannot be dispensed.

Applicants hereby state that 1) all restrictions upon public access to the deposits will be irrevocably removed upon the grant of a patent on the application, and 2) that the deposit will be replaced if viable samples cannot be dispensed. Applicants reserve the right to request notice by the depository to the depositor of the name and address of the party to whom a deposit is furnished, as permitted by 37 C.F.R. § 1.808(a)(2) and 37 C.F.R. § 1.808(b).

In light of the preceding remarks, withdrawal of the rejection under 35 U.S.C. § 112 of claim 55 is respectfully requested.

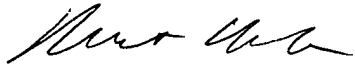
CONCLUSION

Applicants submit that all outstanding objections and rejections have been addressed by this response. The Examiner is invited to call the undersigned agent if the Examiner believes that any issues can be resolved via a telephone conference.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582000820.

Respectfully submitted,

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